

**THE UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF OHIO  
EASTERN DIVISION**

UNITED STATES OF AMERICA,	)	CASE NO.: 1:17CR122-1
	)	
Plaintiff,	)	JUDGE JOHN ADAMS
	)	
v.	)	<b><u>NOTICE OF POSSIBLE</u></b>
	)	<b><u>UPWARD VARIANCE</u></b>
DAVIAN WARREN,	)	
	)	
	)	
Defendant.	)	

This Court hereby gives notices of a possible upward variance based upon the following 18 U.S.C. § 3553(a) factors:

1. The nature and circumstances of the offense.
2. The history and characteristics of the defendant.
3. The need for the sentence imposed to reflect the seriousness of the offense, to promote respect for the law, to provide just punishment for the offense, to afford adequate deterrence to criminal conduct, and to protect the public from further crimes of the defendants.

The Court also gives notice pursuant to Fed. R. Crim. P. 32(h) of a possible upward departure based upon U.S.S.G. § 4A1.3, Departures Based on Inadequacy of Criminal History Category. Accordingly, the parties are additionally placed on notice of such a

possible upward departure based upon the defendant's criminal history category possibly under-representing the seriousness of his criminal history.

IT IS SO ORDERED.

December 20, 2017

/s/ *Judge John R. Adams*  
JUDGE JOHN R. ADAMS  
UNITED STATES DISTRICT COURT